



DEPARTMENT OF THE INTERIOR

INFORMATION SERVICE

OFFICE OF THE SECRETARY

For Release FEBRUARY 1, 1960

LETTER TO TULELAKE IRRIGATION DISTRICT RELEASED

The Department of the Interior today released the following letter from Assistant Secretary Ross Leffler to the Tulalake Irrigation District:

January 29, 1960

Dear Mr. Anderson:

This will acknowledge receipt of your letter of January 12 in connection with the future operation of the Tule Lake Sump.

Before commenting on the specific contents of your letter, it would seem appropriate to review the status of this matter. In summary, by the terms of the Government-District contract of September 10, 1956, the District has undertaken to operate and maintain the Tule Lake Sump in accordance with the rules and regulations to be issued by the Secretary. Applicable rules and regulations, within the terms of the contract, have been issued by the Secretary. The District's failure to abide by the regulations resulted in the "take back" notice of December 11, 1959. This was followed by the District's request for a conference, which was fulfilled by the January 6th and 7th discussions between District representatives and members of the Bureau of Sport Fisheries and Wildlife and the Bureau of Reclamation.

As a result of these discussions we have determined to recommend modification of the current regulations to provide some adjustment of the objective levels of the Tule Lake Sump and permit greater flexibility, under certain specific hydrologic conditions to be spelled out in the modified regulations, of sump operations. The drafting modified regulations to accord with the January 6th and 7th discussions of objective levels and hydrologic criteria is in progress. We hope to have such modified regulations prepared and available to the District for comment at an early date.

To avoid any misunderstanding, let us be entirely clear that in making the proposed modified regulations available to the District we are not seeking approval of the District because we feel such action is a necessary condition precedent to placing such regulations in effect. The authority of the Secretary to issue or modify operating regulations within the purview of the Government-District

contract is, and remains, with the Secretary. For like reasons, it should also be clear that our determination to recommend to the Secretary modification of the existing regulations in line with the January 6 and 7 discussions does not reflect on our part any disposition to modify the existing regulations in return for acceptance of them by the District. Our action in recommending the modifications is premised solely on the opportunities, which our recent discussions were most helpful in bringing to light, to improve and clarify operational criteria that will best attain the irrigation and wildlife objectives of the project.

The opening portion of the second paragraph of your letter indicates certain conclusions to have been reached at the January 6th and 7th conference relating to flood hazards under the existing regulations. We do not agree that such conclusions were reached.

In light of the above and recognizing that it is not our intention to create any new contract relation, the proposed modified regulations, which are in preparation, will be designed to accord with the objective water levels essentially as described in your letter except as hereafter noted.

Levels were not prescribed solely for the first day of each month. The proposal was that as of April 1 the objective level would be 4034.45, gradually receding at a uniform rate to elevation 4034.25 as of August 1, which level is to be maintained through August, the objective being to provide a uniform drawdown during those months. The objective level stated as of the first day of each month is to be achieved by a gradual drawdown during the preceding month. It is not intended to permit wide interim fluctuations.

Starting September 1, the water level is to be gradually raised to reach an elevation of 4034.60 on or before October 10. When this is attained, the Bureau of Sport Fisheries and Wildlife will determine the suitability of that elevation for hunter access. If found to be satisfactory, elevation 4034.60 will be maintained through November 5. If this level is found by the Bureau of Sport Fisheries and Wildlife to be unsuitable for hunter access, the Tulare Lake Irrigation District is to discontinue pumping from Tule Lake immediately until such time as a satisfactory level is achieved. The maximum level is to be 4034.75, which, if required, will be maintained through October 31. It is understood that the 4034.60 elevation is to be considered as an experiment to determine a level satisfactory for waterfowl hunting purposes. No objective levels are prescribed from November 6 through March 31.

The cost of maintaining objective levels would be borne by the District as provided by its existing contract. It might be added that we cannot foresee any circumstance in which the yearly

operation and maintenance costs involved will be a substantial item in the District's total annual operation and maintenance costs.

As before stated, we hope to make the proposed modified regulations available to the District in advance of the "take back" date of February 14. On receipt of your assurance prior to February 14 that your District will comply with the proposed modified regulations, we will be in a position to recommend to the Secretary that he lift the December 11, 1959, notice. If it should occur, as we hope it will not, that time will not permit us to complete and make the proposed modified regulations available to the District prior to February 14, we see no practicable course, lacking receipt of assurance from the District prior to that date, but to resume operation as heretofore announced. In that event, the United States would be obliged to continue operation pending transmittal of the proposed modified regulations to the District and the receipt of assurances regarding them.

Sincerely yours,

(Sgd) Ross Leffler

Ross Leffler
Assistant Secretary

Mr. Sam Anderson
President
Tulelake Irrigation District
P. O. Box 787
Tulelake, California

x x x